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**FOR SETTLEMENT PURPOSES**

May 13, 2015

Christopher S. Olson  
OLSON PLLC  
32121 Woodward Avenue, Suite 300  
Royal Oak MI 48220

VIA EMAIL TO: [colson@olsonpllc.mybiz.com](mailto:colson@olsonpllc.mybiz.com)

RE: Lindsay, et al v City of Detroit  
Wayne County Circuit Ct No. 15-004526-CZ

Dear Mr. Olson:

This letter serves as the City of Detroit's supplemental response to your Freedom of Information Act request regarding a dog apparently owned by Darrell Lindsay. The City has previously responded to your request regarding Mr. Lindsay by letter dated April 15, 2015.

Your request sought

" . . . copies of all information generated, sent or received, considered or ignored, compiled or contained in any file (paper or electronic, including with limitation emails, dash cam video or audio recordings, firearms discharge reports, evidence reports, etc.) that relates in any way to the Detroit Police Department's January 31, 2015 shooting and killing of Babycakes, a dog, at 11691 Strathmoor, Detroit, Michigan 48227."

DPD submitted the below referenced records and after review by the Law Department, your request is granted in part and denied in part. Please note that in this instance, the Destruction of Animal Report serves as the weapons discharge report; there is no separate weapons discharge report. Pursuant to MCL 15.243(1), certain information has been redacted from the record as follows:

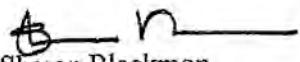
MCL 15.243(1)(a) and (1)(b)(iii)	Individuals' dates of birth and addresses are exempt from disclosure.
MCL 15.243(1)(m)	Communications within a public body of an advisory nature that are other than purely factual and are preliminary to a final agency determination of policy or action are exempt from disclosure.



Christopher S. Olson  
May 13, 2015  
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The redacted record from the City of Detroit Police Department (DPD) consists of seven pages which I have attached in PDF file to this email. Please feel free to contact me at my direct dial number, 313-237-3009, should you have any questions.

Very truly yours,

  
Sharon Blackmon  
Assistant Corporation Counsel

Attachments



**DETROIT POLICE DEPARTMENT**  
**DESTRUCTION OF ANIMAL AND ITS ATTEMPT (DOA) REPORT**  
 (To be completed by a non-involved Supervisor)

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0 1 / 3 1 / 1 4	3:40	AM <input type="radio"/>	PM <input type="radio"/>	S/O 11691 STRATHMOOR		Northwestern District		
Date of Occurrence		Time of Occurrence		Location of Incident				
<b>OFFICER #1</b>								
P.O. Dawson/Darell 1-Involved member (Rank/Last/First)		2639 Badge	Northwestern Command	8-4 Assignment	2 # of rounds fired?	2 # of rounds striking target	13 # of live rounds in primary magazine?	15 # of live rounds in secondary magazines?
0 1 / 0 2 / 1 5 Last Weapon Inspection		0 8 / 2 7 / 1 4 Last Qualification Date?						0 How many prior DOA for this member?
<b>OFFICER #2</b>		N/A Badge	N/A Command	N/A Assignment	N/A # of rounds fired?	N/A # of rounds striking target	N/A # of live rounds in primary magazine?	N/A # of live rounds in secondary magazines?
N/A 1-Involved member (Rank/Last/First)								How many prior DOA for this member?
Last Weapon Inspection								
es d you canvass a scene?		No Any Property damage?	No Any Injuries to citizens?	No Any witnesses? (List all in circumstances)	Yes Notifications made? (List all in circumstances)	No Animal Control Notified?	No Michigan Humane Society Notified?	Boro Type of Animal destroyed? Returned to owner Where was animal disposed of? (Facility)
es Owner Notified? Known)		Darryl Lindsay Owner's Name: (if known)		Home Address		Phone Number		
Details/Circumstances/Recommendations (Use additional sheets if necessary)								

Continued on page 2.

Sergeant Guinn/Tyrone 3INT-Supervisor (Rank/Last/First)	S-212 Badge	8-70 Assignment	Signature	2-24-15
Captain Nassor/Akil 3INT-Shift Supervisor (Rank/Last/First)	L-117 Badge	8-60 Assignment	Signature	2/25/15
Det. Aquinto/Nicholas 3INT-Commander (Last/First)			Signature	Date
Det. Ali/Ulysha R. 3INT-Deputy Chief (Last/First)			Signature	Date

Distribution: Detroit Command, One (1) copy, Detroit Police, File, Internal Affairs, DPD 220 (Main Office)

Synopsis

On January 31, 2014, at approximately 4:00 PM Scout 8-4, manned by Officer Darrell Dawson, badge 2639 and Timothy Grima, badge 3543 operating code 133041, assigned to the Eighth Precinct were dispatched to the area of Hubbell/Capitol to assist with "Officers Under fire." Once on scene Officer Dawson spoke with an officer who was assigned to the Second Precinct. Officer Dawson obtained information regarding the area where the shots emanated from. Officer Dawson and Officer Grima made the area of 11691 Strathmoor for the possible origin of the shots. As the officers were walking the officers heard a loud noise, which appeared to be coming from the rear of their location. Officer Dawson and Officer Grima observed a large cloud of smoke emanating from the area. Officer Dawson ran through the driveway of the above location, when he observed a large, brown dog run towards him. Officer Dawson in his position, fearing that someone was fatally injured, notified dispatch that he was going to take the dog down. Officer Dawson discharged two rounds from his department issued M&P40 caliber handgun in a downward angle, striking the dog in the chest area. Officer Dawson observing that both shots took effect, immediately notified dispatch of the discharging of his weapon. Lieutenant Akil Nassor, badge L-117, assigned to the Eighth Precinct responded to the location and performed the preliminary investigation. Lieutenant Nassor notified the owner, Mr. Darryl Lindsey, B/M [REDACTED] of [REDACTED], who was advised of the circumstances. Mr. Lindsey took possession of his dog and conveyed the dog to the Veterinarian Hospital for medical treatment. Lieutenant Nassor checked the structure for collateral damage, observing no damage. Officer Dawson's ninety day inspection card was reviewed and observed to be in compliance. Lieutenant Nassor ordered Officer Dawson to prepare a crisnet delineating the events.

Notifications

Lieutenant Nassor made the following notifications: Notification/Control-Sergeant Bruenton and Sixth Precinct Desk-Sergeant Gregory.

Canvass/Witness

11669 Strathmoor-No response from the door.

[REDACTED] - James Walker B/M [REDACTED], states he heard nothing.

[REDACTED] - Mr. Mario Wright B/M [REDACTED], of same stated he heard the shots, but observed nothing.

Evidence

Lieutenant Nassor reviewed the In Car Video/microphones for code 133041. Observing that the incident coincided with the statements of Officer Dawson; observing no violation of department policy. Lieutenant Nassor inspected Officer Dawson's handgun on scene: DPD Smith/Wesson M&P40 caliber, serial number

DSY3177, qualification date August 8, 2014, inspection date January 2, 2015. Officer Dawson recovered two spent casings, placing them on evidence tag # E538182/538182-2. Officer Dawson completed crisnet report number 1501310164.

## Findings

Upon the review of the video from code 133041, with audio and microphones activated, it depicted Officer Dawson and Officer Grima arriving on the scene. Both officers approached with their weapons drawn, Officer Dawson is heard saying "shots fired." Officer Grima pans out of the camera, with Officer Dawson walking in the street. Officer Dawson is observed entering the front yard of the solid brick structure, which is encompassed by a wire fence with the front entry way accessible. Officer Dawson walks to the south side of the residence then to the north side where he observes the dog. Officer Dawson fearing that the dog is vicious, is then heard notifying dispatch that the dog is on a chain and that he is going to "take the dog down." Officer Dawson is then heard advising dispatch that he fired two shots.

In my findings, I have concluded

It is my opinion f

Officer Dawson was verbally counseled by Lieutenant Nassor regarding other avenues of approach one can take when entering private property for exterior searches.

I uncovered no violation of the Detroit Police Department Manual Directive: 201.9 - 8 Dangerous Animals, which states: An officer may shoot a dangerous and/or rabid animal that is posing an imminent threat of danger to the officer or others only when bystanders are not in jeopardy.

I recommend

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**TYRONE GUINN**  
Sergeant, badge S-212  
Eighth Precinct

APPROVED  
FEB 26, 2015  
Tyrone Guinn  
CAPTAIN EIGHTH PRECINCT